

DRAFT MINUTES
Pesticide Control Board
Oliver Hill Building, Richmond, Va.
April 17, 2008

CALL TO ORDER

The Pesticide Control Board met at 9:00 a.m. at the Oliver W. Hill Building, 102 Governor Street, 220 Board Room, Richmond, Va. Presiding members were Donald Fritz, Chairman and Andres Alvarez, Director, Consumer Protection. Chairman Fritz called the meeting to order.

The following Board members were present: Dr. George Brown; Donald Fritz; Carl Garrison, III; Richard Nunnally; Robin Rinaca; Mark Tubbs; Linda Wallace; Liz White and Joe Wilson. The following Board members were absent: Dr. William Boshier; Dr. Alma C. Hobbs, (represented by Dr. Tadesse Mebrahu); and Dr. Sharron Quisenberry (represented by Dr. Michael Weaver).

The following staff members were present: Donald Blankenship; Andres Alvarez; Douglas Edwards; Joe Dictor; Kathy Dictor; Barbara Elliotte; Steven Keene; Micah Raub; Robert Bailey; and Rhonda Bates.

Others present: Andrea Coron and Kristin Coron, Virginia Pest Management Association; Laurie Coulter, Virginia Crop Production Association; Jack Horsley, Terminix; Karen Boniface and John McCunley, BASF; Wilmer Stoneman, VFBF; Gary Forrest, Forrest Exterminating; Donna Johnson, Virginia Agribusiness Council; Eric Gregory, Office of the Attorney General; Temple Cabell, Schaffer & Cabell; and Susan Nessler, VA Tech.

DETERMINATION OF A QUORUM

Chairman Fritz announced that a quorum was present. He told all present that Liza Fleeson has been appointed Program Manager for the Office of Pesticide Services.

APPROVAL OF MINUTES

Dr. Brown moved to adopt the minutes of the January 17, 2008, Board meeting. The motion was properly seconded. The motion carried unanimously.

COMPLIANCE ACTIVITIES FOR THE QUARTER

Joe Dictor provided a summary of enforcement activities for the quarter.

Mr. Tubbs, Chair of the Enforcement Committee, presented six cases that required Board approval. In case 29022 involving Asplundh Tree Expert Company (Asplundh), Mr. Tubbs moved to accept a consent order drawn up between Asplundh and the Pesticide Control Board. Ms. Rinaca seconded. Motion carried unanimously.

In cases 27773, et al, (17 cases total) involving Blue Ridge Pest & Termite Control (Blue Ridge), Mr. Tubbs moved to accept a mutually acceptable consent order drawn up between the Pesticide Control Board and Blue Ridge. Mr. Nunnally seconded. Motion carried unanimously.

In case 30585 involving Ferrell & Keffer, Inc., the Hearing Officer abated the \$80 civil penalty. Mr. Tubbs moved to accept the recommendation of the Hearing Officer. Dr. Brown seconded. Motion carried unanimously.

In case 30802 involving Cooke's Landscaping LLC, the Hearing Officer reduced the civil penalty from \$1040 to \$240. Mr. Tubbs moved to accept the recommendation of the Hearing Officer. Dr. Brown seconded. Motion carried unanimously.

In case 30929 involving Bent Creek Farm, the Hearing Officer reduced the civil penalty from \$350 to \$280. Mr. Tubbs moved to accept the Hearing Officer's recommendation. Dr. Brown seconded. Motion carried unanimously.

In case 30941 involving Benny Hall Consolidated Farms, the Hearing Officer reduced the civil penalty from \$2800 to \$1200. Mr. Tubbs moved to accept the recommendation of the Hearing Officer. Mr. Nunnally seconded. Motion carried unanimously.

DESCRIPTON OF COMPLIANCE MANAGEMENT PROCESS

Mr. Dictor gave a brief description of his duties as compliance manager and the civil penalty assessment decision matrix.

UPDATE ON STATUS OF REGULATORY ACTIONS

Ms. Dictor reminded the Board of the formal actions taken at the January meeting involving four regulations of which three were Fast Track/Proposed regulations dealing with non-controversial "housekeeping" changes suggested by the Attorney General's Office. The documents required by Town Hall were prepared and submitted. The changes to the enforcement regulations and business license regulations will be published in the April 28 Virginia Register of Regulations, opening a 30-day comment period, ending May 28, becoming effective June 12. The Public Participation Guidelines regulation is now in the Governor's office awaiting approval.

Ms. Dictor further stated that final documents were also prepared for the significant amendments made to the certification regulations and will be forwarded to Town Hall. No action is required by the Board at this time.

UPDATE ON TERMITE ENFORCEMENT PLAN

Mr. Edwards reported on the educational component of the Plan, noting that four training sessions were held last fall and three additional sessions were held in March, with a total of 330 attendees. The workshops were favorably reviewed by the attendees. The VA Pest Management Association (VPMA) videoed the session held in Williamsburg, VA to use as a training module. He reported on the enforcement component of the Plan noting that 116 inspections were conducted last year and 66 pretreatment inspections have been conducted so far this year, which revealed compliant and non-compliant issues.

Chairman Fritz asked if more training sessions were scheduled. Andrea Coron, VPMA, answered that training is done. She stated that compiling measurement tools, compiling pre- and post test, the final report, and creating the training video is still left to do. She added that the program and training have been successful with those reached, but the building slowdown has limited access to those who still need training.

STATUS OF PESTICIDE APPLICATOR SAFETY TRAINING PROGRAM

Dr. Weaver and Susan Nessler provided updates on the status of manual development and on the pesticide applicator training programs. Dr. Weaver reminded the Board that the 2008 Pesticide Safety Education In-Service Workshop will be held at the Hotel Roanoke on October 8 and 9; all Board members are welcome to attend.

Ms. Nessler reported that six training manuals were reprinted and that three new manuals have been completed and released for sale in December 2008, with the written exams in effect.

EXECUTIVE SECRETARY'S REPORT

Mr. Alvarez reported that Liza Fleeson has been selected as the Program Manager for the Office of Pesticide Services, replacing Dr. Wayne Surles who retired. The recruitment process is underway for both Liza's and Kathy's former positions (Kathy Dictor was promoted to Supervisor of Certification, Licensing, Registration and Training). Steven Keene is the newest OPS investigator.

COMMISSIONER'S/DEPUTY COMMISSIONER'S REPORT

Mr. Blankenship reported on several items. He stated that Commissioner Haymore couldn't attend the Board meeting as he is working in the Charlottesville area with the newly formed wine distribution corporation. In news from the General Assembly he stated that Senate Bill 135 provides for the Board of Agriculture to adopt regulations that ensure the contractor applicators of regulated fertilizer products are trained to properly apply those products. He also said that the Department of Charitable Gaming will be transferred to VDACS, effective July 1. A five percent budget reduction was implemented for FY08-09, and a one and one half percent reduction in general funds is slated for each of the next two fiscal years. VDACS received funding to construct a new office building on the Eastern Shore.

CHAIRPERSON'S REPORT

Chairman Fritz commented on a letter from Mark Tubbs sent to all Board members regarding recodification. He stated that there isn't a funding problem and that the Code Commission's effort was to clear up the language, nothing more. The Board agreed to move forward.

ADJOURNMENT

Meeting adjourned at 11:45 a.m.

(For further detail, taped minutes of the meeting are on file at VDACS and can be accessed by calling 804/225-2223.)